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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,831	04/20/2004	Ronald M. Evans	SALK1520-3 (088802-8761)

30542
 FOLEY & LARDNER
 P.O. BOX 80278
 SAN DIEGO, CA 92138-0278

CONFIRMATION NO. 5286

FORMALITIES LETTER



OC000000013195158

Date Mailed: 07/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/05/2004 HLE333 00000045 500872 10828831

FILED UNDER 37 CFR 1.53(b)

02 FC:2001 395.00 DA
 03 FC:2201 132.00 DA
 04 FC:2051 65.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$258** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

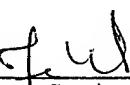
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1158** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$258**
 - **\$258** for 3 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Dkt. No. SALK1520-3 (088802-8761)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evans et al.

Title: METHODS FOR MODULATING
EXPRESSION OF EXOGENOUS
GENES IN MAMMALIAN
SYSTEMS, AND PRODUCTS
RELATED THERETO

Appl. No.: 10/828,831

Filing Date: 4/20/2004

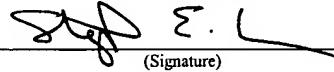
Examiner: Unknown

Art Unit: 1632

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the
United States Postal Service with sufficient postage as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450, on the date below.

Stephen E. Reiter, Reg. No. 31,192
(Printed Name)


(Signature)

October 1, 2004
(Date of Deposit)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed July 9, 2004, in the
above-identified application, transmitted herewith are the missing parts to complete the filing of
the subject patent application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a
Small Entity statement previously submitted.

Enclosed are:

Declaration and Power of Attorney – (Copy from parent)

Return Copy of Notice to File Missing Parts

Request for Transfer of Sequence Listing and paper copy of Sequence Listing
from parent

In re application of
Evans et al.
Application No.: 10/828,831
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Atty. Dkt. No. SALK1520-3 (088802-8761)

Drawings

Preliminary Amendment

Claim for Convention Priority and certified copy of priority documents

Information Disclosure Statement

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Extension for response filed within the first month

Extension for response filed within the second month

Extension for response filed within the third month

Extension for response filed within the fourth month

Extension for response filed within the fifth month

The filing fee is calculated below:

Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee			\$770.00	\$770.00
Total Claims: <u>6</u>	- <u>20</u>	= <u>0</u>	x \$18.00	= \$0.00
Independents: <u>6</u>	- <u>3</u>	= <u>3</u>	x \$86.00	= \$258.00
If any Multiple Dependent Claim(s) present:			+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee			+ \$130.00	= \$130.00
<input checked="" type="checkbox"/> Petition for Extension of Time (One month)			\$110.00	= \$110.00
			SUBTOTAL:	= \$1,268.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):				= \$634.00
			TOTAL FILING FEE:	= \$634.00
			TOTAL FEE:	= \$634.00
Difference to pay:			- \$0.00	- \$634.00

Check in the amount of \$ _____ in payment of surcharge fee (37 C.F.R. § 1.16(e))

In re application of
Evans et al.
Application No.: 10/828,831
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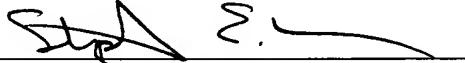
Atty. Dkt. No. SALK1520-3 (088802-8761)

[X] Please charge Deposit Account No. 50-0872 in the amount
of \$634.00 in payment of surcharge fee (37 C.F.R. § 1.16(e)).
A duplicate copy of this paper is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date: October 1, 2004

By 

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evans et al.

Title: METHODS FOR MODULATING
EXPRESSION OF EXOGENOUS
GENES IN MAMMALIAN
SYSTEMS, AND PRODUCTS
RELATED THERETO

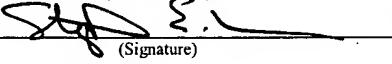
Appl. No.: 10/828,831

Filed: 4/20/2004

Examiner: Unknown

Art Unit: 1632

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
<hr/> Stephen E. Reiter, Reg. No. 31,192 (Printed Name)	
<hr/>  (Signature)	
<hr/> October 1, 2004 (Date of Deposit)	

REQUEST FOR TRANSFER OF SEQUENCE DISCLOSURE

Sir:

The paper copy of the Sequence Listing in this application, application no. 10/828,831 is identical to the computer readable copy of the Sequence Listing filed in application number 09/042,488, filed March 16, 1998. In accordance with 37 C.F.R. § 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing was included with the originally-filed specification of the instant application and is enclosed again herewith.

In re Application of: Evans et al.
Application No.: 10/828,831
Filing Date: 4/20/2004
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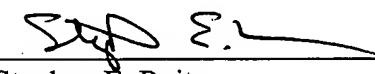
PATENT
Atty Dkt No.: SALK1520-3 (088802-8761)

I hereby state, as required by 37 C.F.R. § 1.821(f), that the content of the paper and computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

I hereby state, as required by 37 C.F.R. § 1.821(g), that the enclosed submission includes no new matter.

Respectfully submitted,

Date: October 1, 2004


Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
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